

Initial determination of acceptability of a facility being considered for the off -site treatment, storage, or disposal of CERCLA waste

Region2 OSR to: Rich G Finnegan

04/30/2012 04:11 PM

Sent by: **Beckett Grealish**

Cc: "Ricky Leone", talund, Sean.Abell

Bcc: Mark Pane, Leilani Davis, Colin Oldland, Margaret Alferman

From: Region2 OSR

To: Rich G Finnegan <Richard.Finnegan@veoliaes.com>

Cc: "Ricky Leone" <rmleone@gw.dec.state.ny.us>, talund@nycap.rr.com, Sean.Abell@veoliaes.com

Bcc: Mark Pane/R2/USEPA/US@EPA, Leilani Davis/R2/USEPA/US@EPA, Colin Oldland/R2/USEPA/US@EPA, Margaret Alferman/R2/USEPA/US@EPA

Please respond to Region2_OSR@epamail.epa.gov

Richard Finnegan
Operator's Authorized Representative
Veolia ES Technical Solutions, L.L.C.
126 Morris Rd
Schenectady, NY 12304

Dear Mr. Finnegan:

This email is in response to your April 26, 2012 request to the United States Environmental Protection Agency (EPA), for a determination of acceptability to receive wastes under Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, 42 U.S.C. §§ 9601-9675 (CERCLA), and the associated regulations in 40 C.F.R. Part 300 (hereinafter, the Off-Site Rule) for the Veolia ES Technical Solutions, L.L.C. facility located at 126 Morris Rd, in Schenectady, New York.

Section 121(d)(3) of CERCLA requires that in the case of any removal or remedial action under CERCLA, any hazardous substance or pollutant or contaminant may only be transferred to a facility operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable federal law and state requirements. That section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment. These principles are interpreted in the Off-Site Rule, set forth in the National Contingency Plan (NCP), at 40 CFR § 300.440. The purpose of the Off-Site Rule is to prevent wastes from CERCLA response actions from contributing to present or future environmental problems. Compliance with the Off-Site Rule ensures that CERCLA wastes are directed to management units determined to be environmentally sound and deemed acceptable by EPA.

Pursuant to 40 CFR Section 300.440, EPA has completed its determination of acceptability evaluation and has found that the Veolia ES Technical Solutions, L.L.C. facility is acceptable to receive waste from CERCLA sites. EPA's acceptability determination is contingent upon the following:

- This acceptability determination is based on the assumption that only wastes which comply with the permits issued to Veolia ES Technical Solutions, L.L.C. facility will be accepted. It is the facility's responsibility to review any proposed waste streams for compliance with its permits.
- This determination is based on the available information at the time of the review and is subject to change in accordance with the procedures in 40 CFR Section 300.440 (d).

Please note your status could be changed if at any time relevant information becomes available according to the procedures set forth in 40 C.F.R. § 300.440 (d).

Should you have questions regarding this determination, please feel free to contact me, EPA Region 2's Off-Site Contact, at (732) 321-4341 or via email at Region2.OSR@epa.milepa.gov.

Sincerely,

A handwritten signature in dark ink, reading "Beckett Grealish". The signature is written in a cursive, flowing style. The first name "Beckett" is written in a larger, more prominent script, and the last name "Grealish" follows in a similar but slightly smaller script. The ink appears to be a dark purple or black.

Beckett Grealish, Regional Off-Site Contact